CLAIMS

We claim:

1   1.   A method for managing a plurality of sources comprising:

2   determining an empirical measurement of a performance of each of the

3   plurality of sources; and

4   selecting a source in reference to the empirical measurement of the

5   performance of each of the plurality of sources.

1   2.   The method of claim 1, wherein the determining further comprises:

2   obtaining an empirical measurement of a throughput speed of each of the

3   plurality of sources from at least one third-party source.

1   3.   The method of claim 1, wherein the determining further comprises:

2   obtaining an empirical measurement of a throughput speed of each of the

3   plurality of sources from a local source.

1   4.   The method of claim 1, wherein the performance further comprises a

2 throughput speed.

1   5.   The method of claim 1, wherein the performance comprises latency.

1   6.   The method of claim 5, wherein the measuring further comprises:

2   measuring the elapsed time of a transmission involving each of the plurality

3   of sources.

1   7.   The method of claim 5, wherein the measuring further comprises for each of

2 the plurality of sources.

3   recording transmission time from the current time and date;

4   initiating a transmission to a download source of the plurality of sources;

5   receiving a response to the transmission from the source;

6   recording the receipt time from the current date and time; and

7   determining the throughput speed of the source from the difference between

8   the receipt time and the transmission time.

1   8.   A computer-accessible medium having executable instructions for managing

2   a plurality of sources, said executable instructions capable of directing a processor

3   to perform:

4   determining an empirical measurement of a throughput speed of each of the

5   plurality of sources; and

6   selecting a source in reference to the empirical measurement of the

7   throughput speed of each of the plurality of sources.

1   9.   The medium of claim 8, wherein the throughput speed further comprises a

2   download speed.

1   10.   The computer-readable medium of claim 8, wherein said instruction for

2   determining further comprises an instruction capable of directing the processor to

3   perform:

4   measuring a throughput speed of each of the plurality of sources.

1   11.   The medium of claim 10, wherein said instruction for measuring further

2   comprises instructions capable of directing the processor to perform for each of the

3   plurality of sources:

4   recording transmission time from the current time and date;

5   initiating a transmission to a download source of the plurality of sources;

6   receiving a response to the transmission from the source;

7   recording the receipt time from the current date and time; and

8   determining the throughput speed of the source from the difference between

9   the receipt time and the transmission time.

1   12.   A computer data signal embodied in a carrier wave and representing a

2   sequence of instructions for managing a plurality of sources which, when executed

3   by a processor, cause the processor to perform the method of:

4   determining an empirical measurement of a download speed of each of the

5   plurality of sources; and

6   selecting a source in reference to the empirical measurement of the

7   download speed of each of the plurality of sources.

1   13.   The computer data signal of claim 12, wherein the determining further

2   comprises for each of the plurality of sources:

3   recording transmission time from the current time and date;

4   initiating a transmission to a download source of the plurality of sources;

5   receiving a response to the transmission from the source;

6   recording the receipt time from the current date and time; and

7   determining the throughput speed of the source from the difference between

8   the receipt time and the transmission time.

1   14.   The computer data signal of claim 12, wherein the throughput speed further

2   comprises latency.

1   15.   A computerized method for managing a plurality of sources comprising:

2   storing transmission time from the current time and date;

3   initiating a transmission to a download source of the plurality of sources;

4   receiving a response to the transmission from the source;

5   storing the receipt time from the current date and time;

6   determining the latency of the source from the difference between the receipt

7   time and the transmission time; and

8   selecting a source in reference to the latency speed of each of the plurality of

9   sources.

1   16.   The computerized method of claim 15, wherein source further comprises a

2   source in a peer-to-peer network.

1   17.   The computerized method 15, wherein the:

2   the transmission further comprises a TCP/IP synchronized idle message; and

3   the response further comprises a TCP/IP acknowledgment message.

1   18.   A computer-accessible medium having executable instructions for managing

2   a plurality of sources, said executable instructions capable of directing a processor

3   to perform:

4   determining a plurality of round-trip timings of a packet transmission in

5   conjunction with each of a plurality of possible sources; and

6   selecting a source in reference to the plurality of round-trip timings.

1   19.   The medium of claim 18, wherein the source further comprises a source in a

2   peer-to-peer network.

1   20.   The medium of claim 18, wherein said instruction for determining further

2   comprises instructions capable of directing the processor to perform:

3   recording transmission time from the current time and date;

4   initiating a transmission to a download source of the plurality of sources;

5   receiving a response to the transmission from the source;

6   recording the receipt time from the current date and time; and

7   determining the round-trip timing of the source from the difference between

8   the receipt time and the transmission time.

1   21.   A computerized method for managing a plurality of sources comprising:

2   obtaining a list comprising a plurality of identification of sources;

3   initiating a plurality of socket connections, the plurality of socket

4   connections further comprising one socket connection for each of the

5   plurality of sources, yielding a plurality of initiated socket

6   connections;

7   receiving a response for the each of the plurality of initiated socket

8   connections, yielding a plurality of responses; and

9   selecting the fastest source of the plurality of sources in reference to a

10   predetermined file size and in reference to the response.

1   22.   The computerized method of claim 21, wherein the predetermined file size is

2   less than a predetermined threshold file size and wherein the selecting further

3   comprises:

4   selecting the source associated with the response that is received first.

1   23.   The computerized method of claim 21, wherein the predetermined file size is

2   greater than a predetermined threshold file size and wherein the selecting further

3   comprises:

4   measuring the latency of each of the plurality of sources; and

5   selecting a source in reference to the download speed of each of the plurality

6   of sources.

1   24.   The computerized method of claim 23, wherein measuring the latency

2   further comprises:

3   storing the time and date of each of the plurality of initiating socket

4   connections;

5   storing the time and date of each of the plurality of responses; and

6   determining the download speed of each of the plurality of sources from the

7   differences between the time and date of each of the plurality of

8   responses and the time and date of each of the plurality of initiating

9   socket connections.

1   25.   A system for managing sources in a peer-to-peer network comprising:

2   a processor; and

3   software means operative on the processor for determining an empirical

4   measurement of a throughput speed of each of the plurality of

5   sources and selecting a source in reference to the empirical

6   measurement of the throughput speed of each of the plurality of

7   sources.

1   26.   The system of claim 25, wherein the throughput speed further comprises a

2   round-trip time.

1   27.   The system of claim 25, wherein the throughput speed further comprises a

2   latency.

1   28.   A computerized system comprising:

2   a determiner of an empirical measurement of a throughput speed of each of

3   the plurality of download peer-to-peer network sources; and

4   a selector of a source in reference to the empirical measurement of the

5   throughput speed of each of the plurality of peer-to-peer network

6   sources.

1   29.   The computerized system of claim 28, the determiner further comprising:

2   a transmitter of a message to a download source of the plurality of sources;

3   a recorder of the time of a transmission of a message, operably coupled to

4   the transmitter;

5   a receiver of a response to the transmission from the source, operably

6   coupled to the transmitter;

7   a recorder of the time of receipt of a response; and

8   a determiner of the throughput speed of the source, from the difference

9   between the receipt time and the transmission time.

1   30.   The computerized system of claim 28, wherein the:

2   the message further comprises a TCP/IP synchronized idle message; and

3   the response further comprises a TCP/IP acknowledgment message.